

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action. It is noted that claims 39 and 41-43 are not addressed in this action, but the amendments are believed to render this Office Action defect moot. Reconsideration is requested in view of the following remarks.

Telephone Interview

A brief telephone interview was conducted on May 18, 2006 with Primary Examiner Abebe regarding claims 82-89. Mr. Abebe advised that since these claims are signal claims there would be a statutory subject matter issue. Mr. Abebe further confirmed that conversion of these claims to storage medium claims would overcome this problem. The undersigned appreciates the courtesy of this discussion with Mr. Abebe.

Regarding the Claim Renumbering

The undersigned sincerely regrets the error in numbering the claims as originally filed. In view of the Examiner's indication that the claims have been renumbered, the above claims have been renumbered without explicit indication of deletion or addition, since it is unclear that it should be handled as an amendment. Despite this difference from the original claims, the claims are designated (Original) rather than (Previously Presented) since they are substantively identical and the Examiner indicates that they have been renumbered. Applicants regret the inconvenience this error caused the Examiner in conducting his examination.

Regarding the Claim Rejections

Applicants are amending the claims to cancel rejected claims in favor of those which have been indicated allowed and allowable, and to change dependencies in certain cases to depend from allowed or allowable claims. All claim cancellations are without prejudice. Applicants will determine whether to pursue the rejected claims in a continuation after receipt of notice of allowance.

Specifically:

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Claim 1 has been cancelled and its features directly added to claim 2. Dependencies through claim 10 have been amended where necessary to depend from claim 2. Claims 4 and 10 were rewritten slightly to conform to the amendments to claim 2. Accordingly, claims 2-10 are clearly allowable.

No reason was given for rejection of claim 39 (formerly 40). At least by virtue of dependency on allowed claim 32, it is believed clearly allowable and is therefore unamended.

Claim 47 has been amended to incorporate the features of claim 46. Dependencies of claims 48 through 51 have been amended to depend from allowable claim 47. Hence, claims 47-51 are believed clearly allowable.

Regarding claims 83-87, Applicants agree that these claims are allowable as originally presented. However, it is noted that these claims were cast in the form of signal claims which the USPTO has recently decided to consider non-statutory, despite the issuance of many such claims in the past. While Applicants disagree with this position, it would appear that a Board of Appeals or Court decision will be required to change this examination policy. In order to expedite allowance of these claims, and avoid future rejection, should this application be subjected to additional review, these claims have been recast as storage medium claims but are otherwise essentially unchanged. Applicants reserve the right to pursue the signal claims in their original form in a continuing application. Claim 83 has been redrafted into a storage medium claim and to incorporate the features of claim 82. Claims 84-89 have been made dependent from claim 83 and are thus believed clearly allowable.

Claim 93 has been amended to incorporate the features of claim 91, and claim 91 has been cancelled. Claims 92 and 94 have been made dependent from claim 93, and are thus clearly allowable.

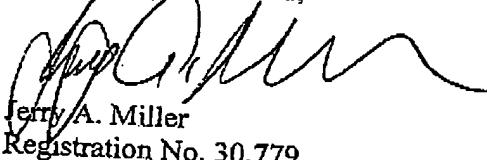
The undersigned submits that patentable distinctions exist between the cited art (including the Official Notice taken) and the rejected claims. However, in view of cancellation of the rejected claims, no purpose is served in arguing such distinctions until they are presented in a continuing application, should Applicants decide to do so. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's

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position or an admission of any sort. Arguments and challenge to the Official Notice will be presented in the continuing application. No amendment made herein was related to the statutory requirements of patentability and no amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references. The cancelled claims are submitted to be patentable.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview to expedite resolution of any further issues. The undersigned can be reached at the telephone number below.

Respectfully submitted,



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